HER GRACE OF *MARLBOROUGH*'s PARTY-GIBBERISH EXPLAINED, AND THE True Sons of the CHURCH VINDICATED.

By an HONOURABLE HAND.

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PARTY-GIBBERISH EXPLAINED, &c.

IT could not indeed be reaſonably expected, that a fine Lady who owns her *having never read, nor employed her time in any thing but playing at cards*, in the early part of her life, ſhould throw away any of that precious time then or afterwards, in enquiring into the meaning of what ſhe is pleaſed to honour with the title of *Party-Gibberiſh:* No, her Grace had ſurely been much better inſtructed by her *virtuous mother*. Nothing leſs than the widely extended *ſphere of politicks*, the *examining titles* to eſtates, *bills in Chancery*, and *accounts*, could be objects worthy of her Grace's great and penetrating genius: ſuch then muſt be the employment which may naturally be ſuppoſed (for the good of the Nation and that of *her Family*) to take place of *card-playing*, for the remaining part of her Grace's life, and conſequently no time left for the inſipid, dry, mortifying, *unprofitable amuſement* of ſpeculating upon the exploded doctrine of *non-reſiſtance*, in her Grace's opinion, nothing more nor better than the mere *Party-Gibberiſh* of an inconſiſtent, abominable ſet of men, called *Tories* and *High-Church-men*.

GIBBERISH, we own, is a very unintelligible kind of language, the language only of *Roſicrucians* and *Gipſies*; but as this *Party-Tory-Gibberiſh* her Grace ſpeaks of happens unluckily to be the *Gibberiſh* of our old muſty law-books, both *common* and

and *ſtatute*, not to mention another old dirty worm-eaten book, called the book of HOMILIES (and as ſuch conſequently deſerving ſome degree of attention) we thought therefore we could not do greater honour to her Grace's late ingenious Account of her own Conduct, with which ſhe has entertained the World, than by giving her readers an explanation of the *Party-Gibberiſh* of *non-reſiſtance* mentioned in her Grace's book; and this we ſhall be happily enabled to do from one of the *ableſt* as well as *honeſteſt* lawyers of his time, namely, the honourable ROGER NORTH, Eſq; younger brother of the great and truly worthy Lord-Keeper NORTH, who in his EXAMEN or ENQUIRY into the third volume of Dr. *White Kennet*'s complete hiſtory, in vindicating the *Tory-Clergy* from the vile aſperſions and malicious inſinuations of the author of the *Complete Hiſtory*, proceeds thus.

—Pag. 326.— 'But now for a touch of malice 'upon this occaſion; obſerve the author publiſh-'ed this book after King James left England, and 'King William was poſſeſſed of the throne, when 'he could not but know how theſe *other*, that is 'the *Tory*, clergy (in the former reign) after Po-'pery came forward in earneſt, left the cauſe of 'fanaticiſm and moſt efficaciouſly declaimed and 'wrote againſt popery, which was then become 'the dangerous caſe. What reaſon therefore has 'the author to revile them for doing the like a-'gainſt non-conformity, at a time when there was 'moſt need? Or where has he done them right 'for the great good they did, and the evils the 'beſt preferred of them ſuffered, in that time, with 'an uncommon zeal, publick ſpirit, and con-'ſtancy? While the fanaticks and their conform-'ing friends preached and addreſſed at another

'rate.

'rate. But to ſay truth, there was no time when 'they let drop wholly the cauſe of Popery; but 'they never kept the people under a guard and 'awake, as far as was reaſonable, with reſpect to 'the popiſh adverſaries, whenever occaſion was 'given. Ay, ſays the author (*in effect*) *but then* '*they ſhould have let fanaticks and rebellious diſſenters* '*alone.*

'To conclude therefore with a clear explication 'of *running down*, an ambigue term of the au-'thor's, it is to be noted in ſhort, that after the 'diſſolution of the *Oxford* and *Weſtminſter* par-'liaments, the whole nation came into the inte-'reſts of the crown, and ſignified as much by 'almoſt univerſal acclamations and addreſſes; all 'expreſſing the utmoſt deteſtation and abhorrence 'of the *Whig* principles: which made the whole 'party ſhoot the pit and retire, as not daring to 'be pointed at with ill-favoured reflections. And 'this is the *running down* the author charges upon 'the *other*, or loyal conformable clergy, as mov-'ing only from their petulance. So kind is he to 'them, whoſe behaviour and conduct had been 'applauded, and their perſons revered by the 'whole nation.'

'But he ſays farther that, *theſe other divines* '*pretended to be more afraid of a republick than of* '*a popiſh ſucceſſor.* We are among the indefi-'nites ſtill. By theſe *other* I hope he doth not 'mean the good Archbiſhop of *Canterbury*, and 'thoſe other Biſhops, who were confeſſors, and 'went to the *Tower* and trial, at the peril of all 'the good they could in all their lives expect and 'enjoy in the reign of King James II. but he is 'undetermined, and brings all into the ſcrape toge-'ther. He continues his good character of theſe '*others*, and makes them arrant hypocrites and

'knaves that *pretended*, &c. which I underſtand
'to mean counterfeited, and knowing better, acted
'againſt their conſciences. It had been more ci-
'vil to have given them up, as at firſt, for a par-
'cel of irreclaimable wretches, blockheads, and
'ſots that knew no better. But let us ſee now
'what the caſe might have been if theſe *others* had
'wanted, as the author has declared, common
'ſenſe. Then it is poſſible they might think re-
'bellion, and what it drives at, change of go-
'vernment, to be a *Pandora*'s box, fraught with
'all ſorts of evils to a nation, worſe than plague,
'peſtilence, and famine. And perhaps their ſmall
'ſkill in hiſtory might lead them into ſuch a way
'of thinking.'

'But, paſſing by this politick gear, the au-
'thor may put the matter upon a wrong point,
'and that is fear; as ſuppoſing they took mea-
'ſures, like himſelf, from temporal good and
'evil, and weighed only that which was like to
'do them moſt good or hurt. He may think
'them intereſted, but miſtaken! while perhaps
'thoſe ſilly *other* divines, in truth, might have
'ſqueamiſh conſciences, and for want of the au-
'thor's better learning and inſtruction have no-
'tions of divine right, that is of things which no
'human power ought to deprive or alter, as the
'doctrines of the Goſpel, whereof they might
'ſay *non-reſiſtance* is one. And it ſeems, by their
'doctrines and behaviour, that they did not (as the
'author ſlurs it) *pretend*, but were *really* of opi-
'nion, that duty and allegiance to governors did
'not depend on any religion, chriſtian, or hea-
'then, and that they ought to obey idolatrous or
'heathen princes in all lawful commands; and,
'if for conſcience they could not obey, they choſe
'rather to ſuffer than, with force and arms to

'reſiſt.

'refiſt. And this, with ſuch ſkill as they had, '(if the author will be pleaſed) they pretended to 'prove: and really, if one may gueſs by their 'ſermons and diſcourſes in print, which the au-'thor, or any of *his clergy*, have not as yet con-'futed; they have, as it were, done it. And, 'as they pretend, not only by ſacred authority, 'and the examples of the beſt Chriſtians, but by 'their own alſo, ſhewing their faith by their 'works, directly contrary to the author's libel, 'that ſets them forth for pretenders only. And 'for all the matters here touched, whoever will 'be better informed, may conſult the many learned 'books wrote and publiſhed on theſe ſubjects. 'But thus much I thought fit to repreſent in op-'poſition to the defamatory ſpirit of this foul 'writer, that hath had face enough to charge hy-'pocriſy upon ſuch an incomparable college of 'divines, as then had ſtations of authority in the 'church, at whom he ſpits, in the moſt injurious 'manner, through the comprehenſive account of 'his *other* clergymen.'

'But he will come cloſer yet; he opens his 'budget by degrees. He ſays that theſe *other 'clergy run into ſuch high notions of paſſive-obedi-'ence and unbounded prerogative.* —— Who can 'gueſs the ſenſe of this rabble expreſſion, *high 'notions?* Why could not he ſay what notions? 'Words, that ſignify nothing, by dint of cor-'rupt prejudice in men's minds, are made to ſig-'nify any thing, and they ſhall not feel themſelves, 'though, in that manner, they are drawn in to 'credit contraries: and that is the drift of this 'no-ſenſe, or rather nonſenſe. But obſerve the 'ſerpentine ſubtilty of this ſentence. He plants 'his *paſſive-obedience* and *unbounded prerogative* 'cloſe together, as meaning the ſame thing, and

'both relating to arbitrary power; so that who-
'ever takes the one has the other of course: but for
'to say any of them was for *passive-obedience* and
'against *unbounded prerogative*, or who run not
'into the setting it up, will be reckoned, accord-
'ing to this text, arrant nonsense. So the author
'affirms these *other* clergy were a pack of *traitors*
'of the law and rights of the people, and setters
'up of *unbounded prerogative*. If the words can
'bear a lower sense, I knock under; but as they
'stand, and are obviously to be understood, we have
'exposed before us a most egregious falsary. It
'being notorious that no persons less yielded to
'undue *prerogatives* than the men of *passive-obe-*
'*dience* did; and the very terms, as well as the
'intention of that doctrine, carry it so: for com-
'plying, is setting up of prerogative, and suf-
'fering is denying of it; and more effectual
'than rising up in arms to resist it. Now take
'the whole character of this venerable body of
'the clergy of *England* in general, described in
'his *other* clergy. They had no concern against
'popery, were loose in their principles touching
'the rights of the church and state: persons de-
'bauched and illiterate; valued themselves on a
'factious distinction; were drawn into any thing;
'*run down* their betters with noise; pretended one
'thing and thought another; and, finally, by
'certain tricks, called *high notions*, set up *un-*
'*bounded prerogative*, that is, arbitrary power in
'the nation. If this be not a sufficient eulogy,
'let the author think again, and mend it if he
'can.'

'Having now brought our *other* clergy to the
'bar for *passive-obedience* and *non-resistance*, which
'are principles that allow no sort of rebellion, or
'resistance of government, with force, to be law-

'ful:

'ful: Theſe ſcurvey tenets muſt be battered to
'pieces; elſe, what will become of us about the
'*Rye* buſineſs? Towards the beginning of this
'* reign the author is guilty of a pleaſant nicety.
'He quarrels with the *non-reſiſtance teſt*, called
'the *corporation-act*, which ſome, as he ſays, took
'with a diſtinction; and, if we believe his mar-
'gin, it was a very odd one, *viz.* to the word
'*endeavour* mentally to add *lawful*, which, as
'they underſtood, referred to parliamentary acts,
'whereby the government might be *lawfully* chang-
'ed, and ſo ſalved their oath. But this author
'would mend their reſerve; for, to the words
'*taking arms againſt the King or perſons* (legally,
'adds he) *commiſſioned*. And again, *In (legal*,
'ſays he) *purſuance of ſuch commiſſion*. The imper-
'tinence of all this ſhews the author's penchant
'towards diſguiſes, and maſquerading ſeditious
'practices that tend to open rebellion. For every
'commiſſion is, *eo nomine*, *legal*; elſe it is nulli-
'ty: ſo for the authority, it juſtifies no acts, not
'legal. But he would be underſtood thus; being
'*legal*, may not be reſiſted, *ergo*, illegal may:
'which is falſe Logick; but ſo long as he puts it
'in the mouths of a rabble to ſay *legal* or *illegal*,
'either is at hand to ſerve the turn; true or falſe,
'it is enough to ſay it. But he might have ſpared
'his remark, for that act of parliament made no
'new law, but declared the old, requiring only
'a recognition of the law as it then ſtood. And
'the Author may wonder when I tell him, that
'taking up arms upon any account whatever, with
'or without his odd diſtinction, is utterly againſt
'law; and (excepting the caſes only of invaſions,
'or great depredations, when every private man

* Charles the Second's.

'is a Conſtable for repelling ſuch enemies, and 'acts by a preſumed authority of the government) 'the rule before laid down, was, in all that reign, 'deemed to be univerſally the law of *England*. 'But becauſe the author builds ſo much of his re-'bellious apologeticks upon the contrary tenents, 'that force, even againſt the government, or any 'part of it, may be lawful, and the ſubject mat-'ter hath entertained the moſt able and learned 'pens of this latter age, and not at all upon the 'ſame topicks of reaſoning; I think it will be 'juſtice to the controverſy, to ſhew the ſum of 'what thoſe perſons alledge for *non-reſiſtance*, that 'argue properly upon the moſt ſuitable heads; 'which ſeem to be thoſe of the people's allegiance, 'purſuant to the poſitive law of the land, and the 'rights of the monarchy of *England*, as they are 'by law expreſsly and indubitably eſtabliſhed.'

'If it be a truth that laws (however originated) 'bind a people, then the people of *England* are 'bound not to reſiſt (with force) the King, or 'thoſe commiſſioned by him, in any caſe, or 'upon any pretence whatſoever. This is what 'they alledge, by way of *Thema*, that argue 'from poſitive law; and thence (ſay they) it 'flows, and is a known maxim of *Engliſh* law, 'that the perſon of the ſovereign is diſpuniſhable 'and incoercible by force; and, in the practica-'ble forms of proceeding, tranſgreſſions againſt 'this law are judged upon accuſations after the 'form of high treaſon. This conſequence of law 'the maintainers of reſiſtance ſcarce deny; for 'they ſeem to go off from, and ſurmount poſi-'tive law, ſuppoſing a power, they call the 'people, ſuperior to all law, having it in their 'hands to reduce laws and law-makers all toge-'ther; and ſo they think they argue upon ſure

'grounds.

'grounds. But, ſay the others, this eludes the 'hypotheſis, which is, that the people are ſubject, 'and bound by the laws: for it is the ſame as to 'ſay there is no law but in active force, which 'force is not conſtant; for ſometimes one, then 'another diviſion or faction of the people proves 'to be ſtrongeſt. And then the laws, if ſuch 'may be, are ambulatory, and that, which men 'call right and wrong, is contingent, as a wea-'ther-cock that varies with the air: all which is 'ridiculous to affirm in diſcourſe. But, in a na-'tion that hath eſtabliſhed laws, all queſtions of 'right and wrong are delated to executive power, 'in ſuch methods of determination as the laws 'have preſcribed; that is, by regular proceſs be-'fore competent judges, againſt whom there is no 'juſt exception.'

'Then, ſay they, nothing can juſtify reſiſtance, 'but what will amount to a juſt and legal defence 'upon an indictment of *high treaſon*. If ſo, exa-'mine all the ordinary pretenſions for reſiſtance, 'as firſt, the abuſe of royal power. That will 'not do, for it is a rule of law, that *the King can 'do no wrong*, becauſe all acts of government 'againſt law, are nullities; and ſuch have no 'legal effect, and juſtify no commiſſioner or agent 'whatſoever. Then, next, immediate violence 'from the perſon of the King upon a ſubject, will 'alſo fail; for *ſe defendendo* is no legal plea in 'caſe of an inferior officer, much leſs in treaſon; 'for the law againſt compaſſing the death of the 'King, hath no exception. Then, as to perſonal de-'fects or incapacities, be it in the higheſt degree, 'as madneſs, lunacy, infancy, or negligence, 'they afford no matter of defence in *treaſon*; 'for, whatever the reſiſters ſay, the LAW ſays 'there can be no ſuch thing: for, if human in-

'firmity may in ſuch caſes be alledged, ill peo-
'ple will ever pretend it, to ſerve the turn of
'their ambition. In a word, the law owns no
'miſchief to a people in general, or particular,
'ſo conſiderable as to be put in the ſcales againſt
'*high treaſon.* Littleton's rule, *better a miſchief*
'*than an inconvenience*, ſounds oddly, but hath
'this very meaning, and is very good law; and
'the reaſon is, there can be no law but contingent
'miſchiefs to particulars may, and do often hap-
'pen; but the conſideration of them doth not
'diſable a law that hath a general view: and who
'ever argues againſt a law, from a ſuppoſition of
'ſuch miſchiefs poſſible, argues againſt all law,
'and for anarchy and confuſion. And the law
'hath another rule, which reſpects the ſame caſe;
'which is, *de minimis non curat lex:* and no con-
'tingent miſchiefs, to particular perſons, are re-
'garded againſt the general convenience of a law,
'eſpecially when government, common peace,
'and protection depends upon it.'

'Theſe maxims of law, ſay theſe *non-reſiſters*,
'are ſufficient to anſwer all the popular reaſonings
'of men of former and latter times, built upon
'the poſſibility of particular miſchiefs. But they
'ſay farther, all reaſoning is out of doors where
'there is poſitive law. Themſelves will not deny
'the ſtatute of treaſons to be law, and in full
'force. And then there is a new foot, upon
'which the caſe ſtands; ſo that if there were ever
'any former maxims, modifications, practices, or
'ſettlements of power contrary to that, call them
'covenants, contracts, fundamental principles, or
'whatever you pleaſe, they all ſink into and are
'drowned in that, as latter laws (inconſiſtent) al-
'ways repeal former. And it is well it is ſo; for
'there are evidences in hiſtory that, before the

'making

'making of that law, which the lawyers ſay is 'but declaratory of what the law was in truth 'before, there were great ſtretches; and even '*læſa majeſtas* was conſtrued treaſon: but they 'make farther uſe of this ſtatute, which was a 'vaſt eaſe and ſafety to the people, by ſome far-'ther reflections afterwards. In the mean time, 'they ſay their adverſaries may not fairly alledge 'for anſwer, that it is not ingenuous to refer to 'actual proceſs, or courſe of law, and the conſe-'quences of that, becauſe all governments will 'take care of themſelves, and that the laws ſhall 'be declared entirely on their ſide; as if this in-'ſiſting on poſitive law, were a ſubterfuge, rather 'than an argument. But thoſe gentlemen do not 'allow ſuch anſwer to be juſt, or any colour; for 'will not all irregular perſons, as well as traitors, '*viz.* felons, and wrong-doers, if they may come 'off ſo, or if they are too ſtrong for the judge, 'anſwer the ſame thing? Why the one more than 'the other? To object power againſt the force of 'poſitive law, is ridiculous; for, without a title 'to abſolute power, there can be no law at all. 'For temper therefore in *England*, it is provided 'by law, that there be proper judges, competent 'to decide all queſtions of right and wrong, whe-'ther it concerns powers or intereſts, and ſuch 'as are put under all obligations of duty and oaths 'to do right according to law. But yet, ſay 'theſe *non-reſiſters*, to enforce their reaſoning, and 'bring it to the height of demonſtration on their 'ſide, they will ſuſpend the judges immediate 'authority, though that be deciſive, and ſtate the 'caſe upon univerſal principles, and reaſons at 'large; and then

'They take notice of ſome terms commonly 'uſed in this diſpute; and firſt, that *non-reſiſtance*

'and

' and *paſſive-obedience* are ſynonymous, and mean
' one and the ſame thing, that is a negation of
' all active force, whatever the conſequence is.
' *Obedience*, in common acceptation of the word,
' ſounds *active*, and therefore doth not well bear
' ſuch an adjective as *paſſive*; *non-reſiſtance* is pro-
' perly *paſſive:* but common uſe hath confounded
' the language, and divers words or phraſes brought
' to ſignify one and the ſame thing; which is only
' a chuſing to ſuffer, rather than obey unlawful
' commands. And it is very injurious to infer
' from ſuch a behaviour, that any power or pre-
' rogative, more than is lawful, is thereby recog-
' niſed; but it is one way, and an effectual one,
' of flying in the face, as they ſay, of an exorbi-
' tant power, and a flat contradiction to it. Thence
' it is inferred, that, in all civil concerns, the law
' is the rule of obedience, whether *active* or (as it
' is termed) *paſſive*; only the former belongs to
' *lawful*, and the latter to *unlawful* commands.
' And there can be no better means of aſſerting
' the rights of the people by law, than the diſown-
' ing unlawful commands by patient ſuffering. For
' which reaſon the *paſſive-obedience men* are the
' moſt expreſs defenders of the laws againſt un-
' bounded prerogative; as was demonſtrated by
' the heroic carriage, towards the government, of
' ſome of the enthroniſed Clergy (*others* as they
' were) in a former reign.

' Then they obſerve, that inſtead of the old
' way of expreſſion, the laws of this kingdom, or
' nation, his Majeſty's laws, the laws of the land,
' or the common law, ſome affect to uſe the word
' *conſtitution*; which in itſelf is no ill word, and
' means no other than as before. But it is com-
' monly brought forward with a republican face,
' as if it meant ſomewhat excluding, or oppoſite

' to

' to the monarchy, and carried an inſinuation as of
' a co-ordination, or co-ercion of the monarchy:
' which latter term, *viz.* the monarchy of *Eng-*
' *land*, as of old, ſo ſtill, implies the *whole law*;
' as the crown, in all the authentic books, is main-
' tained to be *fons juſtitiæ*: and it is no where to
' be found, that the crown was one thing, and the
' conſtitution another; but the true conſtitution of
' *England*, is the monarchy as eſtabliſhed by law.
' And ſo acts of parliament always refer (and an-
' ciently more expreſs than now) to the grant and
' ordination of the crown, with the uſual additi-
' ons reſpecting the two houſes. It is dangerous
' to vary the language of the law; becauſe thoſe
' who do not well diſtinguiſh, are carried into
' miſtaken notions of the publick thereby:

' Then they ſay, as to precedents, that they are
' not to be received as a rule of legal authority,
' but when done in quiet and regular times, approv-
' ed and allowed by a conſtant uſage in ſucceeding
' times: for eſcapes are no precedents. There
' have been ſome of this ſort, as the late **Par-**
' **ricide** of King CHARLES I. by *Cromwell*,
' who (to go no higher) died in his bed. Which
' action, ſince the *happy* RESTORATION, hath
' not been allowed a warrantable precedent; but
' yet wicked men, if permitted to have power,
' would alledge and uſe it as ſuch. Undue prece-
' dents are very dangerous to liberty; for there
' are more and ſtronger inſtances of exorbitant
' prerogatives, than of republican encroachments;
' and the argument is as good for the one as the
' other. Therefore actions, out of Courſe, irre-
' gular, and *time-ſerving*, ſhould not be received,
' as precedents deciſive, in juſtification of powers.
' Theſe prejudices removed, they ſtate the caſe of
' obedience upon the true frame and oeconomy of

'right in the world, and particularly upon the general or common law of *England*.

'They ſeem not to diſpute, as ſome ſelf-contradictors have done, but take for granted that, 'in all governments that ever were or can be, the '*ſupreme power*, wherever it is lodged, is and 'muſt be uncontroulable and irreſiſtable: That 'being a truth included in the notion of authority 'or power, ſo as, the one granted, the other follows; as two and two are equal with four, becauſe in the idea they are one and the ſame. Government reſiſtable is no government; and thoſe, 'who ſay the contrary, are to be talked with no 'more than ſcepticks in philoſophy, who pretend 'to doubt every thing, even of their own eſſence, 'which that very doubting demonſtrates. So they 'take it as determined, *viz.* that, in any ſettled 'ſtate, the *ſupreme power*, whether it reſides in 'one, a few, or many, may not be lawfully reſiſted, in any caſe whatſoever, by any coercive 'force.

'In the next place, they ſay that, in *England*, 'the ſupreme authority is by law lodged in the 'crown, together with the two houſes of parliament, when duly aſſembled. It is not at all 'material whether, or how it might have been 'otherwiſe placed; though it is naturally impoſſible that, in *England*, it can reſide in all the 'people (as hath been vainly pretended to by ſome '*democratic* cities of old) the people of *England* being ſeparated too far aſunder, ever to be immediately joined in one action. It is enough 'here that, by indubitable law and right, the 'crown, with the ſtates of parliament, are to all 'intents the ſupreme authority, being what is 'termed the *Legiſlative Power*, which no ſubject 'ought to gainſay or reſiſt. This they think will

'be

‘ be granted; for who ever pretended to gainſay
‘ or reſiſt an act of parliament, although, by na-
‘ tural poſſibility, it may be as iniquitable as any
‘ action of a ſingle perſon can be? My lord *Cook*
‘ will have it, that acts of parliament, againſt
‘ common juſtice, are void; as if one were paſſed
‘ for erecting a judicature to determine *parte inau-*
‘ *dita alterâ* [*without hearing both ſides.*] But this
‘ muſt be underſtood in conſcience and natural
‘ reaſon only, and not by the ſentence of courts
‘ of law; elſe, the acts to veſt and deveſt private
‘ eſtates, and attainders of abſentees, and diverſe
‘ others would run a ſhrewd riſque in *Weſtminſter-*
‘ *Hall.*

‘ It falls out in the actual adminiſtration of go-
‘ vernment, that by reaſon the perſons, inveſted with
‘ power, cannot act all things directly, the buſi-
‘ neſs is diſtributed in diverſe manners, according
‘ to the policy of ſeveral ſtates, to anſwer the ends
‘ of government: as for the making, judging and
‘ executing laws for puniſhing, defending, com-
‘ pelling, reſiſting, and the like. And theſe ſub-
‘ divided offices, or branches of power, may be
‘ committed to ſingle perſons or junctos, as laws
‘ have provided; and then all thoſe perſons or
‘ authorities become parts of the ſupreme power in
‘ their reſpective provinces. And (without re-
‘ gard to wrong or right) as the whole ſupreme
‘ power is, ſo are they, in their proper juriſdicti-
‘ ons, irreſiſtable by law upon any pretence what-
‘ ſoever; not allowing any man even liberty of
‘ ſelf-preſervation. For who ever thought it law-
‘ ful for one accuſed, or condemned capitally,
‘ knowing himſelf to be innocent, and groſly abu-
‘ ſed in the judgment, to kill the judge or jury,
‘ or hang up the hangman, to ſave his own neck?
‘ A man kills the bailiff that attacks him with

‘ force to take him; it is an offence capital, and
‘ he cannot plead *ſe defendendo*; and the law re-
‘ quires no proof of malice. Theſe conſiderations
‘ reflect violently upwards, upon the ſupreme
‘ power it ſelf; for if the derivatives in their
‘ offices may not be reſiſted on any pretence,
‘ how comes the principal, or ſupreme in the exe-
‘ cution of the whole power, to be reſiſtable by
‘ force?

‘ But ſay theſe gentlemen farther, that, in *Eng-*
‘ *land* (whatever may be elſewhere) the grand
‘ diſtinction of the ſupreme power is into the le-
‘ giſlative and the executive; which latter com-
‘ priſeth all actual coercion and force entirely in
‘ itſelf. As to the former, as the law now ſtands
‘ (for the opinions and modes of ſpeaking, which
‘ took place in ancient times, are dropt) it is moſt
‘ certain that, in real effect, the two houſes of
‘ parliament have a co-authority with the crown,
‘ in making laws; or it may be more agreeable,
‘ in other words, to ſay a negative voice upon all
‘ legiſlative acts; or a little more, that is, a ſort
‘ of rogation, or power to move for, and give a
‘ ſpring to, new laws, by petition, or otherwiſe,
‘ as the practice is. So as, in the main, no new
‘ law, of any ſort, can be made or diſcharged for
‘ taxing, or otherwiſe, without the formal and ac-
‘ tual concurrence of both houſes of parliament;
‘ and either diſſenting, or non-conſenting, no new
‘ law is or can be made. And this union of pow-
‘ ers, in the making of laws, is that which, in
‘ *England*, is properly the ſupreme power abſo-
‘ lutely and to all intents. The next thing is to
‘ conſider how it is diſtributed, that is, between
‘ the crown and the two houſes; for there is no
‘ power or authority which is not derived from,
‘ or under, them or one of them.

‘ And

'And first say they, it is not found that the 'two houses, beyond this concurent power in 'legislature, claim any proper agency in the go- 'vernment whatsoever. As for judicature in the 'lords house, it depends on the executive power 'of the crown, as other courts of justice do. Even 'private persons have often the like propriety in 'jurisdiction; and it is the King's justice, though 'administred by the lords: for the writs of error, 'that are the foundation of the legal jurisdiction, 'are returnable, *coram rege in parliamento.* And, 'as to them and the commons, the office of coun- 'selling, petitioning, representing, *&c.* in virtue 'of the very words, excludes acting: and it is 'what every private person may, and often hath 'a right to do. But the houses, either severally 'or jointly, have this capacity in the highest de- 'gree, being the greatest council and most uni- 'versal representative that can be called or assem- 'bled, legally in *England.* But yet, saving the 'share in the legislative and judicature, no act of 'the houses, or of either of them, are coercive, or 'will impeach any man at common law for dis- 'obedience; and as for matters of privilege, 'grown into course, the coercion is still (formally) 'granted by the crown, and an officer of the 'crown, the Serjeant of the Mace, assigned to 'execute the house's orders in matters of privi- 'lege. Else, the Commons claim no judicature, 'nor so much as power to administer an oath; 'and, in matters of accusation, are petitioners to 'inform, as the sense of the word *impetitio* is, not 'unlike a grand Inquest of the whole nation. All 'which matters are touched, lest any of these par- 'ticulars, omitted, might be mistaken for an au- 'thoritative share in the executive government of 'England.'

'Then

'Then farther, ſay they, it appears that all the 'ſupreme power of the government of *England*, 'ſaving only that which is lodged in the two houſes 'of parliament, is to be found in the crown. The 'general inference from thence is groſs and obvi- 'ous, but they purſue it by ſteps. They ſay 'there are two conditions of the *Engliſh* govern- 'ment, the one ſitting, and the other in va- 'cancy of parliament. The ſitting, as to time, 'place, and continuance (ſaving the effect of the '*triennial act*) is known to be in the pure direc- 'tion of the crown; yet, conſidering that, out 'of parliament, there may want means to petition 'or adviſe, *de arduis regni*, it is an act of con- 'ſcientious truſt and juſtice in the crown to the 'people in general (the ſaid law apart) to hold 'frequent parliaments, and much more ſo accord- 'ing to that law, which turns it to a ſpecifick 'right, that the intent of it ſhould be purſued. 'But, in all points whatſoever, ſaving what has 'been alledged, the government of *England*, in 'and out of parliament, is exactly the ſame; and 'none can ſay that, ſitting the parliament, the 'crown hath leſs power of government than in 'vacation, nor, in the latter, more than when 'ſitting.'

'To obviate an objection, that, in vacancy of 'parliaments, there is no ſupreme power *in eſſe*, 'becauſe no new laws can be made, without 'which capacity the ſupreme power is imperfect, 'and, in the fulneſs of that authority, ceaſeth; 'they ſay that a power of poſitive legiſlature is 'not incident to a ſupreme power, but it is often 'perfect without any legiſlative power at all. As 'in *Turkey*, according to the maxims of policy 'there, no power upon earth can alter their laws; 'for they (the laws) reſult from the religion of the

'country;

'country; as here no power can alter the doc-
'trines of the Goſpel. And, with them, the
'queſtion is never what ſhould be, but what is
'the law; and yet there is a ſupreme power in
'the perſon of the Emperor, as muſt be confeſſed.
'And the ſtrains and abuſes of miniſters there to
'ſerve the turns of power, and the pleaſure of
'great men, againſt juſtice and their laws, is no
'anſwer to the conſtitution which, *in theſi*, is un-
'alterable, and yet there is a ſupreme power.
'But to be more plain. If there were no laws at
'all in a country, but the will and pleaſure of a
'potentate, or ſome juncto, were really and truly
'the law; that binds every ſubject in conſcience
'to obedience. Yet even that ſupreme power is
'ſubject to rules, or law; for there is not, nor
'can there be, any power upon the face of the
'earth, above, or without law. For where none
'are declared, and there is no ſuperior to exact
'accounts, yet the law of natural juſtice and equity
'prevail. And ſo a deſpotick ruler is tied up as
'much to the law, in duty and conſcience, as any
'ſub-governor is, who, by his commiſſion, is
'reſtricted to rules. But this duty of all govern-
'ments doth not impeach the notion of ſupreme,
'whether it be declared or reſts in the mind by
'nature. Either is without coercion, and equally
'obligatory. If coercion be ſuppoſed, then the
'power that coerceth, takes the place of ſupreme:
'and it is a *Pelion* upon *Oſſa* to ſet power over
'power; for that which hath the coercion of
'others, muſt be incoercible itſelf. And that ſup-
'poſed, and no obligation, but conſcience and
'duty in the ſupreme power, where is the diffe-
'rence, whether it be guided by poſitive and de-
'clared law, or by natural juſtice? All that can
'be ſaid, is that laws aſſiſt the weak capacities of

‘ ſome men in power, by telling them what ought,
‘ and what ought not, to be done, which their
‘ own natural ſkill might not perhaps have found
‘ out. Though I may ſay there is ſcarce a ſincere
‘ perſon in the world, whom the *golden rule*, Do
‘ AS YOU WOULD BE DONE BY, will not direct:
‘ ſo it is corrupt will, and not want of underſtand-
‘ ing, that often miſleads men; and that takes
‘ place againſt poſitive law as well as againſt na-
‘ tural juſtice. So it returns every way upon
‘ the conſcience of powers; for if we admit a
‘ ſuperior coercion, or in the commoner phraſe,
‘ a liberty (with power) to reſiſt, even that may be
‘ exerciſed with as bad a conſcience as the other;
‘ and then what is got by the bargain?’

‘ But they ſay alſo, that it is a moſt pernicious
‘ error to diſcharge the ſupreme power of the ob-
‘ ligation to juſtice for conſcience ſake, as they
‘ do who ſay acts of the ſupreme power, or (in
‘ the forinſecal ſtile) legiſlative acts, or acts of
‘ parliament, are always juſt, and, though made
‘ in partial caſes, are not injurious becauſe abſo-
‘ lute: for a legiſlative or ſupreme power, where-
‘ ever it reſides, is as much bound to common
‘ juſtice and equity, in every publick act, as a
‘ private man is obliged to common truſt and
‘ honeſty. And he that ſays ſuch powers do no
‘ injury, though their act is (as in poſſibility may
‘ be) moſt unjuſt and facinorous, becauſe they
‘ cannot be contradicted, muſt, at the ſame time,
‘ allow that a private man, that breaks a ſecret
‘ truſt, or kills his father, there being no evidence
‘ to check or convict him, is a very honeſt man,
‘ and hath done no wrong. Wherefore, if the
‘ conſciences of men were not ſome ſecurity in the
‘ general, among promiſcuous ſocieties, and in
‘ the ordinary dealings of the world; the caſes of

‘ innocent

'innocent men, that are moſt apt to rely on it, 'were very hard. But I dare ſay that, however 'open differences make a noiſe, there is in the 'world, as bad as it is, more juſtice among men, 'upon account of the common obligation of 'equity and conſcience, than from all the proceſs 'of law and the coercion of the magiſtrate all the 'world over. And theſe men, who argue ſo ſtrongly 'againſt all truſt, eſpecially that lodged in go-'vernors, which is and will be a pure truſt as 'long as the world ſtands, do but ſhew how little 'of that principle is to be found in themſelves, 'which they think wholly wanting in others. It 'is moſt certain that *numbers of men*, whenever a 'publick truſt is repoſed in them, may (I wiſh 'I could not as truly ſay ſometimes do) *break all 'the commandments of God*, as well of the Firſt as 'Second Table, as any private perſons they are 'choſe to be a guard againſt. And to conclude, 'the having power is ſo far from an excuſe for 'doing ill things, that it aggravates them; as 'when dogs, that are to keep, worry the ſheep. 'A common thief has more to ſay for himſelf, 'than an oppreſſor or murderer, by power, who 'cannot be coerced. All theſe matters laid toge-'ther, make it plain that, whether there be a 'legiſlative power *in Eſſe* or not, there is always 'a ſupreme power which commands all the forces 'of the ſtate, and is by law, as well in the ab-'ſence as in the preſence of the legiſlative, irre-'ſiſtible with force, and that will fall out to be 'the caſe of the crown of *England*.'

'They farther alledge, that the premiſſes will 'moſt clearly appear, if we conſider that the le-'giſlature, whereof the two houſes partake, is of 'ſuch a nature that reſiſtance, with force, doth not 'take place againſt it. For laws themſelves are

'but the voice or words of power, and have authority to create a duty, but no active force to 'compel obedience, or to which resistance can be 'applied; for who can offer to resist a mere sound? 'When the executive power comes forward with 'a strong hand, then there is somewhat to resist, 'but not else. Therefore resistance or obedience, 'active or passive, relate wholly to executive power, 'without which the legislative is enervous and ineffectual. Now all the rest of the supreme 'power of the government of *England* (except 'only legislature, or the *non-resistable* part, wherein 'only the two houses are sharers) being owned to 'reside in the crown, it follows that the same necessity, as makes any power irresistable, makes 'the crown of *England* irresistable, with force, 'upon any pretence whatsoever; which consequence is so plain as need not be enforced by 'varying the expressions or repetitions. And 'then, upon the same account, it follows that, as 'concerning the *passive-obedience* and *non-resistance* 'of the subject, with active force (legislature always excepted, as not concerned in the question) 'the monarchy of *England* is the supreme power, 'and ought not to be opposed with force against its force in any case, nor upon any pretence; 'such opposition being a crime the laws stile *treason* or *rebellion*, for which the same laws allow 'no manner of justification.'

'And these gentlemen pretend to answer those 'nice arguers for resistance, that perpetually harp 'upon the abuse of power and the sad effects of 'it, which they would prevent or cure by resistance. They say that the matter of right and 'wrong is indeed founded in nature, and, in that 'quality, a law itself, however regularly enacted, 'may be (as I hinted before) abominable and wicked:

'that

'that is, the very legiſlative power, were it (as
'it is not poſſible) the majority of the people,
'but, as ordinarily it is, in ſelect hands, may ty-
'rannize, and offend againſt all the rules of na-
'tural juſtice, common ſenſe and equity; for
'which that power is to anſwer, as having tranſ-
'greſſed and broke their truſt, but to GOD ONLY;
'elſe the correctors of them become at that inſtant
'the legiſlative power; and then we are where
'we were before. Now there falls out a diſtinc-
'tion here, which is between *misfortune* and *in-*
'*jury*. For if a ſubject is a ſufferer under a general,
'however wicked, law, he is unfortunate, but
'not injured; becauſe he can claim no more than
'the common benefit of the laws of his country.
'And having, in due form, ſtood the judgment
'of the law, he can aſk no more; his appeal
'muſt be above; there is no power on earth to
'relieve him. This was the caſe of *Socrates*,
'and we have his example, as well as reaſonings,
'in the report of his caſe, to confirm what is here
'maintained. In ſhort, it is abſolutely impoſſi-
'ble to order affairs ſo, but whoever hath power
'to do right, hath, of conſequence, power to do
'wrong: and if reſiſtance be introduced upon a
'ſuppoſal (which may be made no leſs arbitrarily
'and inſincerely than any act of power can be,
'and commonly is ſo) of the undue and inſincere
'uſe of regular powers, they declare plainly, that
'there can be no government nor diſtributive
'juſtice at all in the world.'

'And theſe gentlemen, to fulfil their argument,
'bring forward the Poſitive Law, or Statute (which
'was touched before, but it was not, as to one ar-
'ticle, ſpecified) which is abſolutely deciſive of
'the queſtion in the very terms: and now that
'comes forward, which is in the article in the

'Statute 25 Edw. III. that makes it *High Treaſon* 'to levy war. This is an expreſſion ſo general, as 'forbids reſiſtance upon any pretence; for the go- 'vernment is armed, and, if at all, muſt be op- 'poſed by arms, that is, in array of war, or (as 'they ſay) *more guerrino.* And that whatever 'the cauſe is, not directed, perhaps, againſt the 'King, but to pull down bad houſes, deſtroy en- 'gine-looms, and the like popular and (as they 'think) meritorious purpoſes, is ſolemnly adjudged 'to be treaſon, as levying war within this article. 'So, ſay they, reſiſtance with force, which muſt 'be by levying war, is prohibited on pain of 'death by a poſitive law; which puts the matter 'paſt all argumentation.'

'The ſame gentlemen deſire to be underſtood 'as to one objection, which is that this *paſſive obe-* '*dience* or *non-reſiſtance* of theirs is a ſlaviſh and 'degenerous principle. They anſwer NO: it is a 'principle of liberty and ſecurity. For can any man 'be free, and ſafe from the outrages of oppreſſive 'potent neighbours, who doth not live under a 'power ſufficient to keep the peace and protect 'him? The ſovereign power is high and remote, 'and, commonly, the intereſt of it is to be a 'friend to the *Community.* If the abuſes, when 'any are, fall hard upon the Grandees that are 'near it, they are compenſated in the ſhare that 'devolves among them; with which they would 'be more ready to oppreſs their inferiors, if ſome- 'body were not above them to give protection 'and redreſs. And if the luſts and diſorders, 'ſometimes incident to power, bring evil upon 'the people, it is ſcarce ever ſo great, but, by 'the ordinary peace and protection the people en- 'joy, they are amply compenſated. There is 'much more danger to a common man, of op-

'preſſion

'preſſion from bad neighbours, private enemies, 'and wrong doers, as alſo from the cabal at the 'next door, than from the potency of the govern- 'ment, though it ſhould happen to be none of 'the beſt. And it is found that the worſt govern- 'ments are thoſe that have moſt heads and hands; 'for the abuſes of ſuch are more diffuſed, and 'turn to a mere general oppreſſion.'

'They obſerve that men argue much by 'way of interrogatory; as for inſtance. Can it 'be imagined a nation ever ſubmitted to be ty- 'ranniſed over by one Man? Or is it fit that one 'man ſhould have it in his power to make all the 'reſt miſerable? However, in a juſt way of rea- 'ſoning, theſe queſtions are impertinent to the 'cauſe, yet they may be anſwered by other inter- 'rogatories. As, can it be believed, that a peo- 'ple ever were willing, or conſented, that thieves, 'malefactors, and cheats, every where graſſant, 'ſhould have liberty to ravage and deſtroy at 'their pleaſure? And will not a people chooſe ra- 'ther to be ſubject to one man's pleaſure, upon a 'fair underſtanding, who is potent, and can pro- 'tect him, than be left at large to fight it out 'continually, in clans and combinations, to gain 'a little defence and ſafety? They muſt anſwer, 'if any thing, right; but then, ſay they, you 'may change, and have a better government. 'Change, 'tis true, but ſeldom comes a better. 'If they ſay it is better the government be weak 'and precarious, becauſe, for fear of themſelves, 'they will do no injury; no, nor yet (for fear of 'themſelves) hinder others from doing injury, 'which is worſt of all; and who lives that hath 'not had experience of this? But not to ſpin finer, 'let it be only obſerved that the force of the ar- 'gument, of the reſiſters, lies in magnifying the

'evils of ill government; and they will have 'thoſe taken in utmoſt extremity, though but na- 'turally poſſible, and in no ſort probable, if ever 'known to have happened in the world. But 'they ſay nothing of the evils that attend want of 'power in a government, which make a ſharper 'catalogue by much than the other; and they are 'ſuch as never fail to happen, and, which is 'worſe, affect the whole people wherever they do 'happen; as all muſt know by experience, when 'the nerves of government have been relaxed. 'No political ſtate is perfect, and the leaſt evil 'is the beſt. Publick good, ſo much in theſe 'men's mouths, is a cloke which hypocrites always 'wear, and if you turn it up a little, the *naſty* '*ſelf-intereſt*, *injuſtice*, and *oppreſſion* will appear, 'that lies lurking under it. Thoſe, who have been 'more than *once* burnt, which they ſay is the 'caſe of the *Engliſh* nation, will (it is to be hoped) 'watch well ſuch fuel. The hardeſt caſe of the 'juſteſt government is, that they are forced to de- 'ceive, to make people happy, that is to be 'quiet, or to take what is good for them. Give 'me the private man that honeſt dares be, and the 'government that juſtice dares do. Men that live 'in peace and ſafety, which are the ordinary fruits 'of government, are like men that live in health; 'then they are not contented, but long for pre- 'ferment, honour, luxury, and pleaſure: but 'when they fall under diſeaſes, and are in pain, 'then they would quit all for pure health and 'eaſe.'

'It is not alien to theſe ſpeculations, to put in 'a word in behalf of the *Engliſh* monarchy and 'government, which hath many advantages to 'the people, but none more glorious than this; '*That all acts of the crown, againſt law, are mere* '*nullities*;

‘ *nullities* ; and all that act under them are ob-
‘ noxious to the law, and ſo far from being pro-
‘ tected, that they may be queſtioned and puniſhed
‘ by that very power, againſt whom its own com-
‘ mand is no defence or juſtification. And, for
‘ this cauſe, all authentick commands are put in
‘ writing, or ſealed, or no perſon, ſerved with
‘ ſuch command, can be proſecuted for contempt
‘ in not obeying. For the party may know, by
‘ that, if it be a legal command, that requires
‘ active obedience, or not ; and by whoſe fault it
‘ is ſent forth, whereby the proper officer may be
‘ brought to anſwer the delict. This conſtitution
‘ never was heard of in any ſtate but the *Engliſh*,
‘ nor is it extant in force under any government
‘ upon earth : ſo little danger is there of exceſſes
‘ from the *Engliſh* monarchy. But if I were put
‘ by from this patriarchal privilege, and had a
‘ lot in times of diſorder, and were put upon a
‘ choice of the two, I would certainly upon the
‘ competition, rather yield to one abſolute poten-
‘ tate, *tale quale*, but having power ſufficient to
‘ govern and protect, than to live in perpetual
‘ fear and proper guard againſt injury and oppreſ-
‘ ſion from the moſt cruel of all ſorts, that is,
‘ (not ſuperiors ſo much as) equals, or rather infe-
‘ riors. It is an obſervation, which the general
‘ experience of ages may vouch, *viz.* That the
‘ calamities which have fallen upon the people of
‘ *England* from the ſtate of the government, have
‘ been incomparably more by reaſon of too little,
‘ than of too much, power exerciſed by the Kings ;
‘ and that by how much nearer the ſtate hath
‘ warped towards what ſome call a Common-
‘ wealth, by ſo much hath tyranny got ground,
‘ and the true liberty of the people ſunk down ;
‘ whereof great part never emerged to them, no

'not after the former government hath been happily reſtored.'

'But, to conclude with doing right to the cauſe, 'I muſt needs ſay, that it is not a juſt balance of 'intereſt that always regulates the good or evil conſequences of power; but the mere ſhew, name, 'opinion and prejudice, or rather humour of the 'people go a great way in it. For it may be obſerved, that it is not enough to do men good, 'but they muſt think and accept of it as ſuch, and 'alſo truſt their Government; or elſe, whatever 'the truth is, they will not flouriſh in numbers 'and encreaſe of trade and wealth. Therefore it 'was a moſt wicked practice of the faction, to 'labour, as they did, to create miſunderſtandings 'and diſtruſt in the people of their government; 'which muſt needs tend to the deſtruction of their 'welfare and encreaſe. Now, to conſider rightly 'the caſe, and make a judgment from the extremes, it is almoſt impoſſible proſperity, by 'encreaſe of people and wealth, ſhould happen 'under the great *Aſiatic* monarchies (although now, 'as the world tranſcends in wickedneſs, there can 'be no other than abſolute government there) for 'the people cannot have reaſon to think themſelves 'ſafe and ſecure in the advances they make, and, 'being careleſs of that, are ambitious of nothing 'but power to tyranniſe over others, as they themſelves are tyranniſed over by their ſuperiors; 'they think of no proſperity but through oppreſſion; and ſo, by common conſent, all are ſlaves. 'And this wolfiſh humour is ſuch, that the government thinks their ſecurity lies in the deſtruction and depopulation of Provinces. And, to ſay 'truth, all defection of common honeſty and 'truth, which ſhould tie people reaſonably together, not only tends to, but makes abſolute go-

'vernment

'vernment neceſſary. Hence, from the very name 'of monarchy, men derive a prejudice, as if no 'ſecurity for life or eſtate were had under it; where 'it may be made appear that, in monarchic coun-'tries, which have laws of government, as well 'as of property, ſuch as we call mixt, there is 'more real ſecurity than is to be found elſewhere, 'although there may be much more pretenſion to 'it. To inſtance in the pretended republics of '*Venice* and *Holland*; the former is a peſtilent 'Ariſtocracy of the worſt ſort, that is of a multi-'tude, under which the *Citta dinazza*, that is the 'community of the people, have no law or juſtice 'on their ſide, but as they gain the protection of 'one great man againſt another: and the other is '*Holland*, which hath no popular elections (eſſen-'tial to a Republic) but Burgomaſters fill vacan-'cies by a majority of themſelves; and ſo a facti-'on is always prevalent, both in the towns, of 'which the combination conſiſts, and in the Stadt-'houſe, whereby the lands of the countries all 'about are made direct ſlaviſh, and ſometimes 'taxed ſo as not to be worth owning; and all to 'ſave the citizens purſes; and all preferments and 'ſucceſſion run in a *match-making* channel and '*family-relation*; and yet the name of republicks 'holds theſe in credit, and the people are pleaſed, 'encreaſe and thrive. But whatever becomes of 'the humour and fancies of people, it is certain, 'for the utility of Government, when ſedition is 'not permitted to grow too much upon it, that of '*England* is a NONPAREIL.'

Our Author goes on, 'I hope (ſays he) this 'digreſſion upon the ſubject of the *Engliſh* go-'vernment, and the law of *non-reſiſtance*, may 'be indulged, as well for the relation it hath to

'the temper of thoſe times *, whereof the hiſtory
'is the ſubject of the preſent examination, as alſo
'by reaſon of the falſe colours the author † be-
'fore us has put upon it. He plainly accuſeth
'the beſt men of the age of the worſt of immo-
'ralities, and particularly of betraying the laws
'of their country to unbounded prerogative; and
'repreſents the doctrine, as well as law, of *non-*
'*reſiſtance*, like a dreg of traitoriſm and ſlavery;
'though [*like the Ducheſs of Marlborough*] he is
'not pleaſed to account for the ſignification of the
'words he ſo much harps upon. Why could not
'he have honeſtly ſhewn what it was thoſe worthy
'men, he is pleaſed to revile, meant by the terms
'in which they delivered their ſenſe, and what
'that ſenſe was? No, that had juſtified, or rather
'done honour to the Loyal Church-party, eſpecially
'of the clergy; which was none of his buſineſs,
'but the contrary. His work was, as he brazenly
'expreſſeth it, to deliver them up to poſterity in a
'dreſs as being illiterate, debauchees, falſe and de-
'teſtable traitors to their country, the laws, and
'religion of it. That is the mark he aims at, and
'levels his piece moſt artificially: firſt commends
'his partiſans for all good qualities, then lets fly
'the contrary upon all the reſt, by the deſcription
'of *other* clergymen. To encounter this ſlander,
'as to principles, I thought it needful to ſtate
'them with ſuch allegations, as ſome of them in-
'ſiſted on; though I pretend not to have half drawn
'forth the ſubject; but the reſt is to be found in
'their excellent books and ſermons in print §.'

* Reign of *Charles* II.

† Dr. *White Kennet* late Biſhop of *Peterborough*.

§ As the harmony between *Law* and *Divinity*, and many others.

So

So far our *honourable* author, the great Mr. NORTH; who, in his EXAMEN, from which we have taken the liberty to borrow this extract, has everlastingly obliged his country with the only authentick and well-vouched history of the reign of King CHARLES II. and who perhaps too was the person best qualified of any one in his time, to unravel that almost impenetrable mystery of iniquity, the *Hellish plotting* in that Reign. He was a careful, accurate and sagacious observer of men and things; saw with his own eyes, and heard with his own ears; examined, weighed, and compared; never satisfied till he had traced things to their first sources, and discovered the very first springs of action. To his own unwearied application, incomparable judgment and virgin integrity, (not to mention the advantages his rank, profession, and uncommon learning afforded him for this undertaking) must be added the great treasure of invaluable materials, he must necessarily be presumed to have acquired by means of the unreserved intimacy and entire confidence of his brother the great Lord-keeper NORTH, than whom no man, in the several high and eminent stations, he served the state, ever discharged his trust with more honour to himself, or to the more thorough contentment of his King and Country.

The above explanation of the *Gibberish* mentioned in her Grace's late ACCOUNT *, *&c.* which (as by her ridiculous *Cant Term)* one would imagine her totally ignorant of, we here earnestly recommend to her Grace's serious and attentive perusal: then let her Grace speak; and say, whether in her whole life (in the same number of

* P. 136.

pages, nay, or in ten times the number, HOL
WELL excepted) she ever met with so much nob
manly sense and true wisdom. We have here n
idle precarious hypothesis, no fabulous *Utopia*
systems, no wild-goose-chace after an imaginar
state of nature, but the safe and well-grounde
conclusions of experiende and consummate know
ledge in the NATURE, EXTENT, and LIMITS o
our happy CONSTITUTION.

FINIS.